



M03A289

(Rel.95-7/03 Pub.605)

FORM 9-3

9-11

2878  
Hw

Practitioner's Docket No. 65564816\* M03A289

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fink et al.

Application No.: 10 / 065,131

Group No.: 2878

Filed: September 19, 2002

Examiner:

For: FOOD SURFACE SANITATION HOOD

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

## STATUS INQUIRY

**WARNING:** Submission of a status letter after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

1. More than 24 months have passed since☒ NEW APPLICATIONSthe filing of this application on September 19, 2002.

No communication has been received from the Patent and Trademark Office indicating action on this application.

☐ AMENDED APPLICATIONS

the filing of a response on \_\_\_\_\_.

No further communication has been received from the Patent and Trademark Office.

☐ APPEALED APPLICATION

The Appeal Brief was filed on \_\_\_\_\_.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10 \*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Phyllis Skrok

(type or print name of person certifying)

Date:

10/15/04

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(check and complete applicable items below)

- ☐ An Examiner's Answer was mailed on \_\_\_\_\_.
- ☐ A Reply to the Examiner's Answer was submitted on \_\_\_\_\_.
- ☐ ALLOWED APPLICATIONS
- the mailing of FORM POL-327 and/or Examiner's Amendment on \_\_\_\_\_.

2. Kindly advise the undersigned of the present status of this application, by checking the appropriate box below. A stamped return-addressed envelope is provided.

NOTE: M.P.E.P. § 203.08 Status Inquiries, 8th Edition, cautions as to the submission of status inquiries as follows:

**"NEW APPLICATION"**

"Current examining procedures now provide for the routine mailing from the Technology Centers (TCs) of Form PTOL-37 in every case of allowance of an application. Thus, the mailing of a form PTOL-37 in addition to a formal Notice of Allowance (PTOL-85) in all allowed applications would seem to obviate the need for status inquiries even as a precautionary measure where the applicant may believe his or her new application may have been passed to issue on the first examination. However, as an exception, a status inquiry would be appropriate where a Notice of Allowance is not received within three months from receipt of form PTOL-37.

"Current examining procedures also aim to minimize the spread in dates among the various examiner dockets of each art unit and TC with respect to actions on new applications. Accordingly, the dates of the "oldest new applications" appearing in the Official Gazette are fairly reliable guides as to the expected time frames of when the examiners reach the applications or action.

"Therefore, it should be rarely necessary to query the status of a new application.

**"AMENDED APPLICATIONS"**

"Amended applications are expected to be taken up by the examiner and an action completed within two months of the date the examiner receives the application. Accordingly, a status inquiry is not in order after reply by the attorney until 5 or 6 months have elapsed with no response from the Office. A postcard receipt for replies to Office actions, adequately and specifically identifying the papers filed, will be considered prima facie proof of receipt of such papers. Where such proof indicates the timely filing of a reply, the submission of a copy of the postcard with a copy of the reply will ordinarily obviate the need for a petition to revive. Proof of receipt of a timely reply to a final action will obviate the need for a petition to revive only if the reply was in compliance with 37 CFR 1.113."

Reg. No.: 34,307

Tel. No.: ( 908 ) 771-6167

Customer No.: 39670

  
SIGNATURE OF PRACTITIONER

Joshua L. Cohen

(type or print name of practitioner)

The BOC Group, Inc.

575 Mountain Avenue

P.O. Address

Murray Hill, NJ 07974

(Status Inquiry [8-3]—page 2 of 3)

**STATUS INQUIRY REPLY**APPLICATION SERIAL NO. ~~XX~~ /10/065,131 IS CURRENTLY

- ☐ ASSIGNED TO GROUP \_\_\_\_\_ AND AWAITS:
- ☐ ACTION BY THE EXAMINER.
- ☐ APPLICANT'S RESPONSE TO THE OFFICE ACTION MAILED  
\_\_\_\_\_  
\_\_\_\_\_

APPEAL NO. \_\_\_\_\_

- ☐ IS AWAITING ACTION BY THE BOARD OF PATENT APPEALS AND INTERFERENCES
- ☐ DATE OF HEARING EXPECTED \_\_\_\_\_
- ☐ DECISION EXPECTED \_\_\_\_\_